REMARKS

Claim Status

Claims 1-13, 17-27 and 29-43 are pending in the present application. Dependent claim 43 is newly presented.

Art-Based Rejections

Claims 1-13, 17-25 and 39-42 stand rejected over U.S. Patent No. 6,801,999 (hereafter referred to as "the Venkatesan patent"). Claims 26, 27 and 29-37 stand rejected over U.S. Patent No. 5,822,432 (hereafter referred to as "the Moskowitz patent").

We expressly traverse these rejections.

Claim 39

Claim 39 recites, in combination with other features, *identifying a pointer associated with identifying data, the pointer comprising information to access a website.*

The Venkatesan patent is cited at Col 5, lines 26-27 and Col. 13, lines 45-51 and 56-67 as teaching such a feature. Please see the Office Action at page 12, lines 3-5.

But these passages are related to a starting watermark location **within** a content object, and not a pointer including information to access a website.

The Office Action appears to recognize this deficiency: "Venkatesan did not specifically explain the pointer comprising information to access a website. However, it is obvious that the point including information such as keys, head or license that depicts permission and rights to access to the watermarked object pointing to a location such as a website (col. 23, lines 9-67)." Please see page 12, lines 17-21.

But this assumes too much; much more than is disclosed in the Venkatesan patent.

Again, consider a claim feature: "the pointer comprising information to access a website".

The citation to Col. 23 is not helpful in this regard as it does not indicate how the pointer (associated with the identifying data) includes information to access a website.

The Office Action further concludes that since a header includes information that is passed to a license verifier, the header must include information to access a website. Please see page 19 of the Office Action, lines 15-19.

This again reads too much into the cited passage; instead, it seems to us that even if header information is passes to a website, it does not include information <u>to access</u> the website. In fact, how does the verifier know which website to contact? Such information does not appear to come from the header information. (Moreover, the pointer in claim 39 is ultimately identified from steganographic data; and not data from a header.)

Reconsideration is respectfully requested.

(The many other deficiencies of the Venkatesan patent need not be belabored at this time.)

Claim 1

There are many differences between the combination recited in claim 1 and the Venkatesan patent.

Claim 1 is concerned with regulating access to websites. But not just any website. Access is regulated to websites that are associated with certain marked physical objects.

The Venkatesan patent is concerned with controlling use of software objects (see, e.g., the Venkatesan patent at its abstract, lines 1-4).

Recall that claim 1 identifies a pointer associated with identifying data, provides the pointer and response information to a user terminal, to allow the user terminal to communicate with a website <u>**via**</u> the pointer.

Like claim 39, discussed above, the pointer is associated with a website.

But the Office Action <u>again</u> focuses on watermarks used to identify or point to locations <u>within</u> content and not to a website. See, e.g., page 3, last two lines, of the Office Action, citing the Venkatesan patent at Col. 5, lines 26-27.

The cited Col. 13 passages are even less helpful. See, e.g., Col. 13, lines 40-47 and 57-67, where a discussion of a location or address <u>**within**</u> the content (and not a website) is discussed.

The Office Action also cites the Venkatesan patent at Col. 22, lines 6-20 as teaching communicating with a website *via the pointer*. See page 4, lines 5-6 of the Office Action.

We disagree.

While there is discussion of an internet session at Col. 22, the communication is not carried out via the watermarks discussed at Col. 5, lines 26-27 or Col. 13. Thus, there seems to be a gap in the reasoning for the rejection of claim 1. That is, if the watermarks at Col. 5 (or Col. 13) are the pointer, then these watermarks must help facilitate communication with the website discussed at Col. 22.

But they don't.

This position has been previously presented but not addressed in the Office Action. Determining a starting location within content, e.g., where a watermark is hidden, does not mean that the watermark includes or links to information to access a website.

Favorable reconsideration is requested.

Claim 17

With due respect, we submit that the reasoning on pages 7-8 of the Office Action assumes too much.

For example, the cited Col. 6 and Col. 27 passages are not understood to suggest receiving a request to enter a system. And while the Col. 29, lines 14-15, passage discusses down-loading an object we do not see any mention of a "request to enter a system" including a verification key.

The Office Action recognizes that the Venkatesan at the cited passages does not teach allowing access to a system. Please see the Office Action on page 8, lines 6-8.

The Office Action assumes too much when saying that it would be obvious to use the Venkatesan system in the manner recited in claim 17, particularly when there is no teaching or suggestion to do so.

More is need to reject this claim.

We respectfully request favorable reconsideration.

Claim 21

The Office Action cites the Venkatesan patent at Col. 23, lines 10-25, Col. 25, lines 18-22 and Col. 27, lines 10-14 as teaching the combination recited in claim 21.

But we are not sure how the Office Action maps elements from the Venkatesan patent to the features of claim 21, since the discussion pertaining to this claim is merely a recitation of the claimed features. See the Office Action, page 9, under the "As per claim 21" section.

Nevertheless, we note several deficiencies in the cited passages:

- Claim 21 recites indexing the data record via a second identifier, the first identifier and second identifier being equal, in combination with other features. We do not see any discussion in the cited passages of indexing a data record in such a manner, where first and second identifiers are equal.

- Claim 21 recites determining whether the first random number matches the second random number, in combination with other features. The cited Col. 27 passage discusses watermark keys generated with a pseudo-random number generator, which seems to imply different – not equal – random numbers.

- Claim 21 further recites signaling to a system whether the first random number matches the second random number and whether the verification information is received within a predetermined time, in combination with other features. There doesn't seem to be any discussion in the cited passages of a signaling act based on the foregoing.

Claim 21 stands ready for allowance. Favorable reconsideration is requested.

Claim 22

Claim 22 recites, in combination with other features, a user terminal communicating an extracted watermark identifier to a central server, and the central server **identifies** a corresponding URL **with** the extracted watermark identifier.

The Office Action cites the Venkatesan patent at Col. 15, lines 47-58 and Col. 23 lines 46-51 as teaching these features. See the Office Action at page 10, lines 1-3.

We respectfully disagree.

In the Col. 15 passage, if a watermark is found at a certain location **in** an object, then an "enforcer" notifies a client's O/S. The O/S accesses a database and provides the

object's file name (not the watermark) to determine whether a signed license exists in that database.

We fail to see how this teaches or suggests a central server **identifying** a corresponding URL **with** an extracted watermark identifier, in combination with other features of claim 22.

The Col. 23 passage does not remedy this deficiency. For example, while this passage discusses an encrypted file including a fingerprinted, watermarked object originating at a publisher's web server, we don't see any mention of identifying the web server with an extracted watermarked identifier, in combination with other features of claim 22.

Discussion of keys, header or license still does not meet the recited limitations. Please see, e.g., page 10, line 7, *et seq.*

We respectfully submit that claim 22 should be allowed.

Claim 26

The Moskowitz patent fails to teach or suggest the combination recited in claim 26.

For example, claim 26 recites "*identifying a pointer associated with the object identifier, wherein the pointer comprises at least one of a URL, IP address and web address.*"

The cited the passages fail to teach or suggest this feature.

The Col. 6, line 24-25 passage discusses an alphanumeric string which names a code resource (a chunk of computer code referred to at lines 22-23), and not a *pointer comprises at least one of a URL, IP address and web address*

The Col. 9, lines 29-32 recites that the watermark **itself** includes information pertaining to electronic distribution restrictions or information on where to locate other copies of the content. In contrast, claim 26 recites that an object identifier (e.g., obtained from steganographic embedding) is used to find or identify such a pointer.

The pointer and other information are then provided to the user terminal.

Additional deficiencies of the art need not be belabored at this time.

We respectfully submit that claim 26 should be allowed.

Remaining claims

The remaining dependent claims are also believed to be patentable in their own right.

Favorable reconsideration is requested.

Request for Interview

The undersigned respectfully requests an interview to discuss this amendment in view of the applied art. The Examiner is respectfully requested to contact the undersigned to arrange a convenient interview time if the Examiner picks up this Amendment prior to the scheduling of an interview.

Conclusion

Applicants need not belabor the other shortcomings of the art at this time.

We look forward to our upcoming interview. In the meantime, the Examiner is invited to telephone the undersigned at 503-469-4685 with any questions.

Date: December 18, 2006   Respectfully submitted,

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